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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,187	04/10/2000	Kazunori Hashimoto	Q58785	2981

7590

03/13/2003

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EXAMINER

HOYE, MICHAEL W

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/546,187

Applicant(s)

HASHIMOTO, KAZUNORI

Examiner

Michael W. Hoyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 14, 22Ba, and 22Ca all occurring in Fig. 6. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: on pg. 12, line 19, the number "11" is incorrect in referring to the analog head end.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks et al (USPN 5,659,350), cited by the applicant.

As to claim 1, note the Hendricks et al reference which discloses a CATV conditional access system. The claimed plurality of analog head ends for distributing a picture signal of an analog program and a picture signal of a transmitted digital program to a terminal belonging to each of the areas is met by cable headend 208 as shown in Figs. 1 and 3, where picture signals of an analog program and a transmitted digital program (216 in Fig. 3) are distributed to a terminal 220 in Fig. 3 (col. 7, line 61 – col. 8, line 14). The claimed digital head end for transmitting a picture signal of a digital program to the plurality of analog head ends is met by operations center 202 in Figs. 1-3 (col. 7, line 61 – col. 8, line 14 & lines 23-37). The claimed said digital head end transmits to the terminals within the areas, data containing both an area code used to recognize the own area belonging to each area is met by demographic data (col. 7, lines 46-48 & col. 16, lines 10-18) including subscriber region designation 926 in Figs. 6a and 6b (col. 20 lines 50-67), and the claimed channel contrastive table for comparing a management number and a channel display number of an analog program is met by management functions, including: cable headend management, broadcast program management, and internal program storage and management, as well as, channel assignments, local channel mapping, virtual channels, and data tables (col. 23, lines 59-67; col. 24, lines 12-15 & lines 37-39; col. 25, lines 20-24; col. 26, lines 30-32; col. 27, lines 14-16; col. 28, lines 12-37). The claimed said management number being given to each of the analog program and being commonly used for the respective areas is met by every service number has an assigned local channel (col. 28, lines 12-37, specifically line 28). The claimed each of said terminals stores therein the area code and the channel contrastive table is met by col. 10, lines 57-67; col. 17, lines 50-67, and col. 29, lines 42-45; and retrieves the corresponding management number by comparing the channel display number of the analog

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program set every area and the channel contrastive table based upon the area code is met by col. 11, lines 34-39; and then displays the analog program of the retrieved management number is met by col. 10, lines 57-67; and col. 11, lines 34-39.

As to claim 2, the claimed CATV conditional access system wherein both the data indicative of the area code and the data indicative of the channel contrastive table are transmitted from said digital head end to the terminals of the respective areas respectively via either a channel used to transmit the picture signal or another data transmission channel which is separately provided with the channel for transmitting the picture signal is met by the operations center 202 and it's computer assisted packaging equipment (CAP) packages the programs and then creates a program control information signal that is delivered with the program package to the headend 208 and/or set top terminal 220, in addition, the delivery control processing unit 270 may assist with transmitting the data (col. 8, lines 15-22; col. 17, lines 15-27 & 50-67; and col. 32, lines 21-49).

As to claim 5, note the Hendricks et al reference which discloses a CATV conditional access method. The claimed step of providing a plurality of analog head ends for distributing a picture signal of an analog program and a picture signal of a transmitted digital program to a terminal belonging to each of the areas is met by cable headend 208 as shown in Figs. 1 and 3, where picture signals of an analog program and a transmitted digital program (216 in Fig. 3) are distributed to a terminal 220 in Fig. 3 (col. 7, line 61 – col. 8, line 14). The claimed step of providing a digital head end for transmitting a picture signal of a digital program to the plurality of analog head ends is met by operations center 202 in Figs. 1-3 (col. 7, line 61 – col. 8, line 14 & lines 23-37). The claimed step of transmitting to the terminals within the areas, data

containing both an area code used to recognize the own area belonging to each area is met by demographic data (col. 7, lines 46-48 & col. 16, lines 10-18), including subscriber region designation 926 in Figs. 6a and 6b (col. 20 lines 50-67), and the claimed channel contrastive table for comparing a management number and a channel display number of an analog program is met by management functions, including: cable headend management, broadcast program management, and internal program storage and management, as well as, channel assignments, local channel mapping, virtual channels, and data tables (col. 23, lines 59-67; col. 24, lines 12-15 & lines 37-39; col. 25, lines 20-24; col. 26, lines 30-32; col. 27, lines 14-16; col. 28, lines 12-37). The claimed said management number being given to each of the analog program and being commonly used for the respective areas is met by every service number has an assigned local channel (col. 28, lines 12-37, specifically line 28). The claimed step of storing in each of said terminals the area code and the channel contrastive table is met by col. 10, lines 57-67; col. 17, lines 50-67, and col. 29, lines 42-45. The claimed step of retrieving the corresponding management number by comparing the channel display number of the analog program set every area and the channel contrastive table based upon the area code is met by col. 11, lines 34-39. The claimed step of displaying the analog program of the retrieved management number is met by col. 10, lines 57-67; and col. 11, lines 34-39.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al (USPN 5,659,350), cited by the applicant, in view of Hendricks et al (USPN 5,990,927), cited by the examiner.

As to claim 3, the claimed CATV conditional access system wherein said digital head end transmits data about an analog channel transmission contrastive table to the terminals within the plurality of areas, said analog channel transmission contrastive table comparing the management number with a transmission frequency of an analog program within each of the areas is met by the Hendricks et al (5,659,350) reference as described above (see col. 7, lines 46-48 & col. 16, lines 10-18) including subscriber region designation 926 in Figs. 6a and 6b (col. 20 lines 50-67), and the claimed channel contrastive table for comparing a management number with a transmission frequency of an analog program is met by management functions, including: cable headend management, broadcast program management, and internal program storage and management, as well as, channel assignments, local channel mapping, virtual channels, and data tables (col. 23, lines 59-67; col. 24, lines 12-15 & lines 37-39; col. 25, lines 20-24; col. 26, lines 30-32; col. 27, lines 14-16; col. 28, lines 12-37; also see col. 33, line 33 – col. 34, line 4 & col. 35, line 20 – col. 36, line 6 for frequency/bandwidth allocation). Although the 5,659,350 Hendricks et al reference does not specifically disclose all of the following in detail as claimed below, the related application, Hendricks et al (USPN 5,990,927) meets the claimed each of the terminals stores thereinto the analog channel transmission contrastive table; when a channel display number of an analog program is designated, said each terminal retrieves a management number corresponding to the designated channel display number form the channel contrastive

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table based upon the area code; and said each terminal retrieves a transmission frequency contrastive table so as to be tuned to the retrieved transmission frequency as disclosed in col. 9, lines 7-30 and col. 25, lines 43-60. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the CATV conditional access system of Hendricks et al (5,659,350) with the additional teachings of the related Hendricks et al (5,990,927) reference, which discloses in more detail tuning to a transmission frequency related to a service ID or management number. One of ordinary skill in the art would have been led to make such a modification since the two Hendricks et al references are related to the same system, moreover, it is well known to have analog transmission frequency contrastive tables related to a management or reference ID number in terminal channel maps associated with video distribution systems.

As to claim 4, the Hendricks et al (5,659,350) reference further meets the claimed CATV conditional access system wherein the data indicative of the analog channel transmission frequency contrastive table are transmitted from said digital head end to the terminals of the respective areas respectively via either a channel used to transmit the picture signal or another data transmission channel which is separately provided with the channel for transmitting the picture signal as met by the operations center 202 and its computer assisted packaging equipment (CAP) packages the programs and then creates a program control information signal that is delivered with the program package to the headend 208 and/or set top terminal 220, in addition, the delivery control processing unit 270 may assist with transmitting the data (col. 8, lines 15-22; col. 17, lines 15-27 & 50-67; and col. 32, lines 21-49).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Allen et al (USPN 5892,535) – Discloses a hierarchical system for distributing programming.

Bigham et al (USPN 6,041,056) – Discloses a video distribution network with video network hubs and broadcast rings, including subnetworks that ultimately service the local subscribers.

Hendricks et al (USPN 6,052,554) – Discloses a television program delivery system.

Hoarty, W. Leo (USPN 5,883,661) – Discloses a television distribution system that manages services of subscribers among a plurality of service areas.

Hoarty et al (USPN 5,557,316) – Discloses a television distribution system that manages services of subscribers among a plurality of service areas.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is (703) 305-6954.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

Michael W. Hoyer

March 8, 2003


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600